

TOWN OF ULYSSES
RULES and PROCEDURES FOR MEETINGS

Amended 8/8/17, 12/11/18, 8/10/21, 9/13/22

Be it resolved that all rules listed herein are adopted as the Rules of Order for all meetings and types of meetings of the Ulysses Town Board. Questions of Order beyond these Rules are to be resolved by reference to Robert's Rules of Order.

1. MEETINGS, DEFINED AND CALLED

1.1. Regular Meetings of the Board

The Board will set the date and time of Town Board meetings at the Organizational Meeting annually. Meetings will be conducted in the boardroom at the Town Hall. The Supervisor shall preside. In the absence of the Supervisor the members present, assuming a quorum, shall elect a Chair for the meeting from the Board members present.

1.2 Calling Special Meetings

Special meetings of the Town Board are all those Town Board meetings other than Regular Meetings set by resolution at the Organizational Meeting. A Special Meeting may be called by the Supervisor upon two-calendar days written notice to the entire Town Board. For the meeting to address any motions, the Supervisor, if challenged, must be able to demonstrate that effective notice has been given. Additionally, the Supervisor must call a Special Meeting within ten calendar days of a written request by any two Town Board members.

1.3 Special Meetings, Public Hearing

Public Hearings may be called according to the State or Local, Law or Ordinance that applies. The intervals specified in such Laws and Ordinances are the minimum intervals for the giving of notice. Notice shall be published in the both the Ithaca Journal and the Trumansburg Free Press whenever possible.

2. MEETINGS, FORMS

2.1. Notice

Written notice may be sent by regular postal mail. The preferred method for notice is by email. The sender must list the other four members in the "To or CC" field. A reply from any one member must be a "reply to all". All members will be considered to have received the notice if all members reply to the Supervisor as required. Members are responsible for keeping their addresses of record current, both postal and email.

2.2. Quorum

A Quorum shall be required to conduct business and pass any resolution. A Quorum of the five-member Town Board shall be three. In the absence of a Quorum, a lesser number may adjourn and compel the attendance of absent members.

2.3. Majority and Supermajority

A Majority of the five-member Town Board shall be three, all present. There is no proxy voting. A Supermajority shall be four in all cases.

2.4. Executive Sessions

Executive Sessions shall be held in accordance with the N.Y. Public Officers Law Section 105. 11 Executive Sessions may be convened in a Regular or Special Meeting. The member making a motion shall state the basis for going to Executive Session under the law for Executive Session. The Board must also resolve any persons other than the Board Members who may attend and state how it is that minutes may be kept. The motion may also specify what information, if any, will be returned to the regular session.

3. MEETINGS, ORDER OF BUSINESS

3.1 Agendas

The draft Agenda for all meetings except the Working Session shall be prepared by the Supervisor. The Supervisor, or any other Town Board member, or any other elected Town Official may have an item placed on the Agenda. Items must be submitted by the end of the day 6 days prior to the publishing of the agenda. The Supervisor shall include any items so requested. Transmission by email notice as above is acceptable. The draft agenda shall be adopted by a majority vote of the Board at the start of each meeting

3.3 Meetings, Adjournment

The motion to adjourn is not debatable, but the Supervisor may, after the second, describe the nature and consequence of adjourning with any scheduled business left unfinished.

3.4 Questions of Order

The Board shall annually name a Parliamentarian from among the Board Members to issue ruling from Roberts Rules as required. The Parliamentarian will read the basis for the ruling aloud. Any such ruling is to be treated as temporary waivers of these Rules unless these Rules are permanently amended by Supermajority to include it.

4. CONDUCTING A MEETING

4.1. Seating

At all Town Board meetings other than Public Hearings, Board Members will be seated if at all possible, to be able to see each other. Any other privileged speaker will be seated at some place that is separate from the public seating. This separation is necessary to avoid confusing the public as to who may speak.

4.2. Public Decorum

An opening statement shall be made in every meeting directing those who are present as to when and how they may participate. All speakers shall be recognized by the Supervisor or Chair. When invited to speak a member of the public shall be instructed that they may, but do not need to give their full name and municipality of residence. In speaking, the public should address the whole Board. Disruptive behavior will not be allowed during Board meetings. Such behavior shall include name-calling, swearing, defaming, shouting, or other similar behaviors reasonably found to be offensive by the Supervisor or Chair, or on appeal of the Chair's decision, by a majority of the Board. Any member of the Board may call the attention of the Chair to a violation of the rules, by calling out "point of order".

In the event of disruptive behavior, one warning shall be given by the Supervisor or Chair. After one warning, the person being disruptive shall be asked to leave. At any time the Supervisor may address the public on matters having to do with process and decorum. This shall be done promptly when there is a breach and there shall be no exceptions. A statement on appropriate decorum for Town Board meetings shall be included at the bottom of the agenda.

4.3. Board Decorum

A Board Member wishing to speak raises a hand for privilege and shall be recognized by the Supervisor. The Supervisor shall assign order of speaking based on the order in which hands are raised. Members may not speak simultaneously and may not interrupt each other. Generally, a member who has not yet addressed the question shall be given privilege over those who have. The Board shall address only the Supervisor, other Board members, and the privileged speakers.

4.4. Members speaking with the Public

Board members shall not address the public except during the time allocated for public participation, and then only when the Supervisor indicates that they may do so. The indication shall only be made when the Board member indicates an interest in speaking with the person in the public.

4.5 Videoconferencing Policy Of The Town Of Ulysses

Purpose

To establish guidelines and requirements for the use of videoconferencing technology to participate in the meetings held by Town public bodies, as defined in Public Officers Law §102, and in conjunction with Town of Ulysses Local Law 2 of 2022.

Background

New York State suspended certain requirements of the Open Meetings Law to permit public bodies to meet and conduct business via videoconferencing platforms and to prohibit in-person attendance during the 2020-2022 COVID Pandemic/State of Emergency. In April of 2022, Gov. Hochul signed Chapter 56 of the Laws of 2022, which added Public Officers Law § 103-a allowing a municipality's public bodies to have the option of continuing to use videoconferencing under certain circumstances if the board of that public body adopts a local law authorizing the participation by videoconference, as well as written policies establishing guidelines and conditions for attendance of members at public meetings by videoconference.

Definitions

Extraordinary Circumstances - events or factors that would preclude a member's physical attendance at the meeting, e.g.: disability, illness or significant health concerns requiring precautionary actions, caregiving responsibilities, other significant or unexpected factors or events, and events when a member is out of town for a short duration.

Meeting - The official convening of a Public Body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the Public Body.

Open Meetings Law (OML) - Public Officers Law, Article 7

Public Body - All boards of the Town that meet the definition of "Public Body" in Public Officers Law, § 102. Town of Ulysses advisory committees are not public bodies as they do not have authority to take official actions.

Quorum - a majority of the full membership of the public body, regardless of vacancies or disqualifications to act.

Policy

Members of Public Bodies are permitted to attend and participate using videoconferencing from a remote location that is not open to in-person physical attendance by the public if (a) a Quorum of the Public Body is present, in person, in one or more advertised location(s) where the public may attend, and (b) they are experiencing Extraordinary Circumstances. A member participating pursuant to this section may not be counted toward Quorum, but may participate and vote if there is a Quorum of members at the physical location(s) open to the public.

Members of Public Bodies are permitted to attend and participate using videoconferencing from remote locations in all other circumstances if those locations are open to in-person physical attendance by the public. A member participating pursuant to this section may be counted toward a Quorum.

Requirements applicable to all meetings where videoconferencing is used:

Public notice of the meeting shall include the physical location(s) where the public can attend and/or participate in person, the fact that videoconferencing will be used, where the public can view and/or participate in-person or through videoconferencing, and where any required documents or materials associated with the meeting are posted or available. Such public notice shall, in addition to other requirements of state law, be posted on the Town's website.

All members of the Public Body must use video capabilities permitting the public to see, hear and identify them throughout those portions of the meeting that the Open Meetings Law requires to be held in open session, with limited allowance for customary temporary absences from a meeting for personal reasons.

Where public comment or participation is authorized, the public must be allowed to participate by videoconference in real time in a manner that affords the same public participation or testimony as in-person participation or testimony.

The minutes of all meetings must indicate who participated from each location and/or pursuant to Extraordinary Circumstances.

Each meeting shall be recorded and such recording must be posted or linked on the Town website within five (5) business days of the meeting and such recording must remain posted or linked for no less than five (5) years.

Additional requirements.

Non-public committees and bodies that are not required to have public meetings under the OML, such as advisory committees, may participate in meetings by videoconferencing or by any lawful means, and need not follow this policy. However, it is recommended that this policy guide such advisory or non-covered bodies and that, at a minimum, they adopt internal policies and procedures to assure fairness, openness, and public engagement.

Public Bodies and agencies need not follow these rules for non-public meetings and hearings, such as for training sessions.

This Videoconferencing Policy must be posted on the Town website.

State of Emergency

As provided for in the New York State legislation described in Section B, if a local state of emergency is declared or a NYS disaster emergency declaration is made, all public bodies may meet completely virtually without the need for a quorum in one or more location(s) at which the public may attend, if the Town Board determines that the circumstances necessitating the state of emergency or disaster emergency declaration would affect or impair the ability of the Town 's public bodies to hold an in-person meeting. If the Town Board makes such a determination, all requirements of this Policy, except the in-person member participation requirement, must continue to be met while the state of emergency or disaster emergency declaration remains in effect.

Amendments

This Policy may be amended from time-to-time by the Town Board by resolution. In the event any change in law, or change in the interpretation or application of law, is or becomes inconsistent with this policy, the proper application of law shall supersede the terms and requirements herein, and the Town Board shall forthwith amend this policy to bring it into congruence or alignment with current law.

Effective and Termination Dates

This Policy shall take effect upon its adoption by the Town Board, and shall automatically terminate if the New York State legislation described in Section B expires.

5. MOTIONS

5.1. Motions Defined

The business of the board shall be conducted as a series of motions. A motion is a formal proposal that the Board take certain action.

A motion to discuss can be made and seconded to bring a draft motion to the floor for discussion. Once a *motion to discuss* is on the floor, the Board can debate the motion and amendments can be made in response to the discussion if the member who brought the motion agrees, without the formal procedures that govern *main motions*. The only vote required for a *motion to discuss* is to end discussion and remove the motion from the floor. The Supervisor can call a vote to end discussion of a *motion to discuss* at any time.

A main motion bringing business before the Board shall be handled in all aspects according to the procedures in Robert's Rules of Order (10th Ed).

All **other types of motions**, with the exception of a motion to discuss shall be handled in all aspects according to the procedures in Robert's Rules of Order (10th Ed).

5.2. Seconds to Motions

A motion shall not be discussed until it has a Second. A member making a Motion may restate it once in seeking a Second, but may not argue for the Second.

5.3. Voting on Motions

Voting shall be by stating "Aye" or "Nay". The Clerk shall immediately state the outcome.

5.4. Presentation of Motions

Any Board Member may make any Motion at any time when there is no other Motion on the floor. If the Motion fits clearly within an item listed later on the Agenda the Supervisor may rule it out of order.

It is preferred that Motions be submitted in writing prior to the meeting and must be in writing if they are instructions to any body or person. A Motion may be written out during the meeting (see motion to discuss). Ideally, new Motions are presented 7 days in advance of the meeting to the Supervisor who will have them included in the resolutions for the meeting.

New Motions offered without the required notice may be debated, but unless there is a Super Majority to waive these rules it shall be tabled without a vote, and unless withdrawn by the Board Member making the Motion, it will automatically be on the Agenda of the next Regular Meeting.

5.5 Motion Exceptions

The Supervisor may present Emergency Motions without notice. They may be ruled out of order by the Super Majority of the Board.

6. STANDING OF THESE RULES

6.1. Amendment of these Rules of Procedure requires a supermajority vote at one meeting. Permanent Removal of these Rules requires a Supermajority voting in two Regular Meetings.

6.3. The Rules may be waived during any session by a Supermajority. Such waivers stand for only the session when voted.